

April 30, 2019

Re: UMB Bank, N.A., as Trustee v. Sanofi, Case No. 1:15-cv-08725-GBD-RWL

Dear Judge Lehrburger:

We write jointly on behalf of Plaintiff UMB Bank, N.A., as Trustee (“the Trustee”) and Defendant Sanofi, pursuant to the Sixth Amended Discovery Plan and Scheduling Order (ECF No. 224) requiring the parties to submit a status report to Your Honor every 60 days.

I. Pending Motions

On April 22, 2019, Sanofi filed a letter motion for leave to serve deposition subpoenas on third party CVR holders Stonehill Master Fund Limited, Stonehill Institutional Partners, L.P. (collectively, “Stonehill”), and Michael Stern of Stonehill (ECF No. 227). The Trustee and Stonehill filed letters in opposition to Sanofi’s letter motion on April 25, 2019 (ECF No. 229; ECF No. 230). Sanofi filed a letter in response to the Trustee’s and Stonehill’s letters on April 26, 2019 (ECF No. 231).

II. Fact Discovery

A. Document Production

The Trustee has completed its production of documents responsive to Sanofi’s requests.

Sanofi has completed its production of documents responsive to the Trustee’s requests.

The parties reserve their rights to challenge the completeness of each other’s document production.

B. Depositions

Fact depositions have been completed.

The parties continue to confer concerning Sanofi’s designation of prior deposition testimony as Rule 30(b)(6) testimony, and with respect to a single deposition errata.

C. Subpoenas

The Trustee has issued subpoenas for documents of third parties who provided services to Sanofi. Production of documents responsive to these third-party subpoenas is largely complete. The Trustee will continue to meet and confer with the subpoenaed parties regarding the adequacy of these productions.

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Sanofi has issued subpoenas for documents of Stonehill. Stonehill has produced documents in response to the subpoenas and served a privilege log. Sanofi is in the process of reviewing Stonehill's privilege log and reserves its rights to challenge Stonehill's assertions of privilege and the adequacy of Stonehill's document production.

D. Interrogatories and Requests for Admission

Pursuant to Paragraph II.a.1. of the Fifth Amended Discovery Plan and Scheduling Order, on October 30, 2018 the parties served Interrogatories and Requests for Admission on each other. On December 20, 2018, the parties served on each other answers, responses, and objections to Interrogatories and Requests for Admission.

III. Expert Discovery

Expert discovery is proceeding as outlined in Paragraph II.a of the Sixth Amended Discovery Plan and Scheduling Order. Consistent therewith, the Trustee identified seven expert witnesses and served seven written reports of such expert witnesses on January 25, 2019. Depositions of the Trustee's expert witnesses have been completed. Sanofi identified six expert witnesses and served seven written reports of such witnesses (one witness is responding to multiple reports) on April 5, 2019. Depositions of Defendant's expert witnesses and service of Plaintiff's rebuttal expert witness reports, if any, will take place on or before June 14, 2019.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Monday, July 1, 2019.

Respectfully submitted,

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